## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION TRANSCANADA KEYSTONE PIPELIN FOR A PERMIT UNDER THE SUBJECT OF	(E, LP ) OUTH ) AND ) TO )	AFFIDAVIT OF KARA SEMMLER HP07-001
STATE OF SOUTH DAKOTA	)	
COUNTY OF HUGHES	)ss )	

- 1. I am a Staff Attorney for the Public Utilities Commission in the abovecaptioned action.
- After a lengthy schedule discussion at a Commission Meeting on August
   7, 2007, Commission Counsel, John Smith, drafted a Scheduling Order attached hereto as
   Exhibit A.
- 3. Prior to its issuance, however, the Scheduling Order was sent to all parties for comment on August 23, 2007. A conference call was held thereafter where pre-filed testimony dates were agreed to by all parties.
- 4. Staff sent its Interrogatories to all parties on September 19, 2007. Staff requested an answer per Civil Procedure Rules by October 19, 2007. Initially, WEB refused to answer basic legal discovery obligations. See Exhibit B.
- 5. On October 19, 2007, WEB made several incomplete responses to Staff's discovery requests, including a request for a witness list. WEB's response was, "Unknown at this time. WEB will comply with PUC's Scheduling Order regarding the filing of written testimony."

6. On October 31, 2007, the direct testimony due date, WEB filed a list of witnesses it intended to call in support. It did not, however, file any witness testimony as required by Commission Order. See Exhibit C.

Dated this 5<sup>th</sup> day of November, 2007.

Kara Semmler

PUC Staff Attorney

Subscribed and sworn on or before me this 5<sup>th</sup> day of November, 2007.

Notary Public

My Commission Expires: 7-1-2012

(Seal)